

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Steven C. Rodgers,

Civil No. 09-1214 (DWF/SRN)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Michael Astrue, Commissioner
of Social Security,

Defendant.

Ethel J. Schaen, Esq., Schaen Law Office; and Thomas A. Krause, Esq., Thomas A. Krause, PC, counsel for Plaintiff.

Lonnie F. Bryan, Assistant United States Attorney, United States Attorney's Office,
counsel for Defendant.

This matter is before the Court upon Defendant Michael J. Astrue's ("Defendant") objections to Magistrate Judge Susan Richard Nelson's Report and Recommendation dated July 13, 2010, recommending that: (1) Plaintiff's Motion for Summary Judgment be granted as to remand; (2) Plaintiff's Motion for Summary Judgment be denied to the extent Plaintiff seeks an outright award of benefits; (3) Defendant's Motion for Summary Judgment be denied; and (4) the case be remanded to the Commissioner for further proceedings consistent with Magistrate Judge Nelson's Report and Recommendation pursuant to sentence four of 42 U.S.C. § 405(g).

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of counsel, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b). The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference for purposes of Defendant's objections.

Based upon the *de novo* review of the record and all of the arguments and submissions of the parties and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Defendant Michael J. Astrue's objections (Doc. No. [17]) to Magistrate Judge Susan Richard Nelson's Report and Recommendation dated July 13, 2010, are **DENIED**.

2. Magistrate Susan Richard Nelson's Report and Recommendation dated July 13, 2010 (Doc. No. [16]), is **ADOPTED**.

3. Plaintiff's Motion for Summary Judgment (Doc. No. [10]) is **GRANTED** as to remand.

4. Plaintiff's Motion for Summary Judgment (Doc. No. [10]) is **DENIED** to the extent Plaintiff seeks an outright award of benefits.

5. Defendant's Motion for Summary Judgment (Doc. No. [13]) is **DENIED**.

6. The case is **REMANDED** to the Commissioner for further proceedings consistent with this Report and Recommendation pursuant to sentence four of 42 U.S.C. § 405(g).

Dated: August 23, 2010

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge